

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

UNITED STATES OF AMERICA §
§
v. § CRIMINAL ACTION NO. 4:24-CR-00165-
§ ALM-AGD-1
MOISES BAUTISTA-DE LOS SANTOS §

**REPORT AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE**

Now before the court is the request for revocation of Defendant Moises Bautista-De Los Santos's ("Defendant") supervised release. After the District Judge referred the matter to this court for a report and recommendation, the court conducted a hearing on February 25, 2025, to determine whether Defendant violated his supervised release. Defendant was represented by Michael Pannitto. The Government was represented by Michael Anderson.

Defendant was sentenced on October 16, 2017, before The Honorable Marcia Garcia Marmolejo of the Southern District of Texas after pleading guilty to the offense of Re-Entry of a Deported Alien, a Class C felony. This offense carried a statutory maximum imprisonment term of 20 years. The guideline imprisonment range, based on a total offense level of 17 and a criminal history category of IV, was 37 to 46 months. Defendant was subsequently sentenced to 40 months imprisonment followed by a three-year term of supervised release subject to the standard conditions of release, plus special conditions to include deportation and a \$100 special assessment. On May 8, 2020, Defendant completed his period of imprisonment and began the term of supervised release. The same day, Defendant was deported to Mexico through Del Rio, Texas. Jurisdiction of this case was transferred on July 31, 2024, and the case was reassigned to the Honorable Amos L. Mazzant, III, U.S. District Judge for the Eastern District of Texas. (Dkt. #9 at p. 1, Sealed).

On September 3, 2024, the United States Probation Officer executed a Second Amended Petition for Warrant or Summons for Offender Under Supervision. (Dkt. #2, Sealed). The Second Amended Petition asserts that Defendant violated three (3) conditions of supervision, as follows: (1) & (2) (mandatory) Defendant shall not commit another federal, state, or local crime; and (3) Defendant must immediately report, continue to report, or surrender to U.S. Immigration and Customs Enforcement and follow all instructions and reporting requirements until any deportation proceedings are completed. If Defendant is ordered deported from the United States, Defendant must report to the nearest probation office within 72 hours after Defendant returns. (Dkt. #2 at pp. 2–3, Sealed).

The Second Amended Petition alleges that Defendant committed the following acts: (1) & (2): On April 21, 2021, Defendant was arrested by the Drug Enforcement Agency (“DEA”) for the offense of Conspiracy to Possess with the Intent to Manufacture and Distribute a Mixture or Substance containing a Detectable Amount of Methamphetamine. On May 21, 2021, Defendant was indicted in the Eastern District of Texas, Sherman Division in Case No. 4:21-CR-00141-001. On April 15, 2024, Defendant plead guilty, and on December 18, 2024, Defendant was sentenced to 151 months imprisonment and a five-year term of supervised release. According to the Indictment, between January and May 2021, in the Eastern District of Texas and elsewhere, Defendant, did knowingly and intentionally combine, conspire, and agree with other persons known and unknown to the United States Grand Jury, to knowingly and intentionally possess with the intent to manufacture and distribute 500 grams or more of a mixture or substance containing a detectable amount of methamphetamine or 50 grams or more of methamphetamine (actual), a violation of 21 U.S.C. § 846. According to the offense report, Defendant was instructed by a supplier in Mexico to deliver seven kilograms of methamphetamine to Plano, Texas on April 28,

2021. Defendant arrived at a Home Depot, parked next to two undercover DEA agents, and made contact with them. The agents declined when Defendant requested that they follow Defendant to another location. One of the agents observed an Igloo cooler in the backseat of the truck which they knew to be a method for persons involved in narcotic distribution to conceal narcotics. The agents continued surveillance on Defendant's truck and a traffic stop was conducted in Murphy, Texas. Officers subsequently discovered seven kilogram-sized clear bags inside the cooler containing suspected methamphetamine. The substance field tested presumptive positive for the presence of methamphetamine. The total weight was approximately 7.9 kilograms; and (2) On May 8, 2020, Defendant was released from the custody of the U.S. Bureau of Prisons and released to U.S. Immigration and Customs Enforcement Service. The same day, Defendant was removed to Mexico through Del Rio, Texas. As evidenced by Defendant's arrest, Defendant returned to the United States illegally. Defendant also failed to report to the nearest U.S. Probation Office immediately upon return to the United States. No formal charges have been filed. (Dkt. #2 at pp. 2–3, Sealed).

Prior to the Government putting on its case at the final revocation hearing, Defendant entered a plea of true to allegations (1)–(3) in the Second Amended Petition. Having considered the Second Amended Petition and the plea of true to allegations (1)–(3), the court finds that Defendant did violate his conditions of supervised release.

Defendant waived his right to allocute before the District Judge and his right to object to the report and recommendation of this court.

RECOMMENDATION

Pursuant to the Sentencing Reform Act of 1984, the court recommends that Defendant's supervised release be revoked and that he be committed to the custody of the Bureau of Prisons to

be imprisoned for an additional term of twenty-four (24) months to run consecutively to the sentence imposed in Case No. 4:21-CR-00141-001 with no term of supervised release imposed in this matter.

The court finally recommends that Defendant be housed in a Bureau of Prisons facility in the Miami, Florida area, if appropriate.

IT IS SO ORDERED.

SIGNED this 31st day of March, 2025.


Aileen Goldman Durrett
AILEEN GOLDMAN DURRETT
UNITED STATES MAGISTRATE JUDGE